



**PERMIT FOR A SOLID WASTE MANAGEMENT FACILITY**  
**NORTH DAKOTA DEPARTMENT OF HEALTH — DIVISION OF WASTE MANAGEMENT**  
**TELEPHONE: 701-328-5166 • REV. 02/12**

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Pursuant to Chapter 23-29 of the North Dakota Century Code (NDCC), (Solid Waste Management and Land Protection Act), and Article 33-20 of the North Dakota Administrative Code (NDAC), (Solid Waste Management Rules), and in reliance on statements and representations heretofore made by the owner or owner's representative designated below, a permit is hereby issued authorizing such owner/operator to construct and operate a solid waste management facility at the designated location under any and all conditions.

**A. Owner/Operator:**

1. **Name:** City of Larimore
2. **Mailing Address:** PO Box 766, Larimore, ND 58251
3. **Location Address:** 119 Booth Avenue, Larimore, ND 58251

**B. Permit Number:** 0178

**C. Solid Waste Management Units:**

1. Inert Waste Landfill
2. **Other(s):**

**D. Location Information:**

1. **General:** NE1/4 of Sec 7 TWP 151N R 54W of Grand Forks County
2. **Permit Area:** As referenced in the application and facility files

**E. General Conditions:**

- E.1. The owner/operator of the facility is subject to the Solid Waste Management and Land Protection Act (Chapter 23-29 NDCC), the Solid Waste Management Rules (Article 33-20 NDAC), all other North Dakota and federal laws, rules or regulations and orders now or hereafter effected by the North Dakota Department of Health (hereinafter the Department), and to any and all conditions of this permit.
- E.2. Compliance with terms of this permit does not constitute a defense to any order issued or any action brought under NDCC 23-29, NDAC 33-20, NDCC 23-20.3, NDAC 33-24, Sections 3013, 7003, or 3008(a) of RCRA, Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. et. seq.) or any other law providing for protection of public health or the environment.

- E.3.** Issuance of this permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations.
- E.4.** It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- E.5.** This permit is based on the premise that the information submitted by the owner/operator is accurate and that the facility will be or has been constructed and will be operated as specified in the application and all related documents. Any inaccuracies or misrepresentations found in the application may be grounds for the termination or modification of this permit. The Permittee must inform the Department of any deviation from, or changes in, the information in the application which would affect the Permittee's ability to comply with the applicable rules or permit conditions.
- E.6.** The Permittee shall at all times properly operate and maintain the facility and systems of disposal, storage and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.
- E.7.** The Permittee shall give notice to the Department of any planned physical alterations or additions to permitted waste management units. Any physical change in or change in the method of the operation of a treatment or disposal operation shall be considered to be construction, installation or establishment of a new operation. No construction, installation or establishment of a new operation shall be commenced unless the owner/operator thereof shall file an application for, and receive, a permit to construct and operate from the Department.
- a.** The Permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
  - b.** Any significant change in or use of contract operators in the routine operation of the facility shall be deemed a significant change in the operation and shall be subject to Departmental review of the operator's qualifications, background, experience, equipment and other pertinent issues. Such change may necessitate modification of the permit and the facility's Plan of Operation.
  - c.** Whenever the Permittee becomes aware that the Permittee failed to submit any relevant facts in the permit application or submitted incorrect information in the

permit application or in any report to the Department, the Permittee shall promptly submit such facts or information.

- E.8.** The owner/operator shall construct, operate, maintain and close the waste management units and the facility according to the criteria of law and rule, conditions of this permit, and other reasonable precautions to prevent or minimize, if applicable, any environmental impacts including, but not limited to, fugitive dust emissions, objectionable odors, air toxics and gas emissions, spills, litter and contamination of surface water and groundwater.
- E.9.** The Permittee shall furnish to the Department, within a reasonable time, any relevant information which the Department may request to determine whether cause exists for modifying, reissuing or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.
- E.10.** This permit may be modified, revoked and reissued, or terminated for cause as specified in Section 33-20-02.1-06 NDAC. The filing of a request for permit modification, revocation and reissuance, termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

This permit may be renewed as specified in Section 33-20-02.1-07 NDAC. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, compliance with state rules and permit, as well as changes in applicable regulations.

- E.11.** This permit does not supersede local zoning authority or any other requirements of any political subdivision of the state.
- E.12.** Within sixty (60) days of the issuance of this permit, if not already completed, the owner/operator shall record a notarized affidavit with the County Recorder. The affidavit shall specify that this facility, as noted in the legal description, is permitted to accept solid wastes for disposal. This affidavit shall specify that another affidavit must be recorded upon the facility's final closure.
- a.** Upon closure, a second affidavit shall be recorded specifying any final details regarding the types of waste disposed at the facility, as well as any final details regarding the facility's location, construction, management, etc.
  - b.** The Department must be provided a copy of both affidavits, certified by the County Recorder of the county in which the facility is located. The copies must be forwarded to the Department within thirty (30) days of recorded dates, or if notification has already been completed, within thirty (30) days of the permit issuance date.

- E.13.** Any entity that controls the permit holder (Permittee) agrees to accept responsibility for any remedial measures, closure and postclosure care or penalties incurred by the permit holder (Permittee).

**F. Specific Conditions:**

- F.1.** The facility shall not be used for the disposal of household garbage and putrescible waste; asbestos; soluble wastes (fly ash, salt, etc.); animal carcasses; waste grain, seed and elevator screenings; liquids; unrinsed pesticide containers; lead-acid batteries; used oil; PCB waste/oils; hazardous wastes [i.e., ignitables (solvents, paints and fuels), corrosives (acids and alkalies), reactives, toxicity characteristic and listed wastes]; electronic waste (televisions, computers, monitors, printers, copiers, materials containing circuit boards, ballasts, capacitors, etc.); mercury-containing devices (fluorescent lighting, switches, thermometers, thermostats, etc.); hazardous materials; sludges; manure; septic tank pumpings; or infectious wastes.
- F.2.** The facility is authorized for disposal of inert wastes. "Inert waste" means nonputrescible, non-water-soluble solid waste that will not in any way form a contaminated leachate. Inert waste includes but is not limited to: (1) construction and demolition material such as wood, bricks, masonry, concrete (cured) and incidental metal resulting from the demolition or razing of buildings, roads and other structures; (2) trees and tree branches; (3) incidental metal wastes that do not contain oils, solvents, PCBs, or other similar materials; (4) bottom ash from coal-fired boilers; and (5) waste coal fines from air pollution equipment.
- F.3.** Metal items, including, but not limited to, major appliances, metal furniture, scrap metal, etc., may not be collected or transported for disposal to any solid waste disposal unit or facility unless such unit or facility has provision for intermediate storage and recycling of these materials and all such materials are appropriately segregated for recycling.
- F.4.** The owner/operator shall undertake a program to educate waste generators and haulers on appropriate measures to reduce, reuse, and recycle wood materials and shall help facilitate, implement or provide appropriate procedures and services to reduce waste disposal as described in NDCC 23-29-02. Within three (3) years of the permit issuance date, the owner/operator shall demonstrate substantial efforts to promote at least a 40% reduction of waste disposal. A description of recycling and waste reduction activities and an estimate of the volume and percentage of waste which has been diverted shall be included in the annual report to the Department.
- F.5.** Except as modified by conditions of this permit, this facility and related waste management units and structures shall be designed, constructed, operated and closed in accordance with previous correspondence and documents contained in Departmental files pertaining to this facility and as described in the documents enumerated below, which are hereby incorporated by reference in this permit.

- a. Application for a Solid Waste Management Facility – North Dakota Department of Health – Division of Waste Management SFN 19269 (04-2010) with attachments, received by the Department on December 12, 2011;
  - b. Application for a Solid Waste Management Facility Permit, SFN 19269 (08/00), signed by Marvin Denault on January 23, 2002;
  - c. Application for a Solid Waste Management Facility Permit, SFN 19629 (04/95), with attachments, dated February 4, 1997; and
  - d. Future submittals approved by the Department may supersede or supplement items listed above.
- F.6.** The owner or operator shall design, construct, maintain and operate the facility in a manner to minimize the possibility of a fire, explosion or any unplanned sudden or nonsudden release of solid waste or solid waste constituents to air, soil, groundwater or surface water which could threaten human health or the environment.
- F.7.** All waste operations shall be properly maintained to minimize the potential for fire. The working area of the disposal operation shall be maintained in as small an area as practicable, not to exceed 10,000 square feet before cover is applied. Adequate cover shall be stockpiled near the operating area to cover the waste to a depth of two (2) feet in the event of a fire.
- F.8.** The facility shall be operated in full accordance with the approved Plan of Operation and the waste screening provisions. All activities at the site will be conducted in a manner that will minimize the risk of fire. No open flames or smoldering material will be allowed near the fill area.
- F.9.** Operations and sequential partial closure shall be implemented such that the working face or open area (the area that has not been covered or closed) of the landfill must be limited in size to as small an area as practicable. The open area of the inert waste landfill shall not exceed 10,000 square feet before cover is applied. Heavy equipment shall routinely run over the lifts of waste material (one foot to two feet maximum) at least four to five times or more as necessary to adequately break up and compact the waste material. At maximum, areas that have not been formally closed with the required two (2) feet of final cover shall be no larger than 40,000 square feet. All wastes, including, but not limited to, the working face must be covered at least two times per year with a minimum of six (6) inches of suitable earthen material. Grade stakes shall be placed as necessary to ensure filling activities follow the approved closure grades.
- F.10.** Adequate emergency cover soil (in addition to the dirt needed for normal fill and cover activities) shall be stockpiled in close proximity to the disposal area to be used in the event of a fire or other emergency. These stockpiles shall, at minimum, be equivalent to

two (2) cubic feet per square foot of open area plus enough dirt to cover unclosed areas of the landfill with at least two (2) feet of dirt.

- F.11.** Prior to accepting waste from any industry, including, but not limited to, contractors (construction, demolition, etc.), manufacturers, maintenance companies, auto and truck maintenance (transportation) companies, etc., or waste hauler, the owner/operator shall provide to appropriate representatives of the company a copy of the approved waste acceptance procedures as well as copies of the waste evaluation form. The company must agree to the waste screening and inspection procedures. The owner/operator shall maintain a list of industrial sources of inert waste in the facility's operating record. The training and educational material shall be repeated and/or amended as necessary to ensure compliance with the waste acceptance procedures and the permit.
- F.12.** Cover material shall be maintained as necessary and as identified in the Plan of Operation to ensure adequate amounts for all cover and closure activities. All cover material stockpiles, both on the permit site and that identified off-site, shall be maintained solely for use in the landfill unless removal is authorized by the Department.
- F.13.** All personnel involved in solid waste handling and in the facility operation or monitoring must be provided a copy of this permit and shall be instructed in specific procedures to ensure compliance with the permit, the facility plans and the state rules as necessary to prevent accidents and environmental impacts. Documentation of training such as names, dates, description of instruction methods and copies of certificates awarded must be placed in the facility's operating record. In addition, a copy of this permit, pertinent rules, guidelines and forms shall be posted at a prominent location within the facility.

Should questions or issues arise, the owner or operator shall contact the North Dakota Department of Health at 701-328-5166.

- F.14.** The owner/operator, within ninety (90) days of permit issuance, shall submit a closure plan for Departmental approval.

In consideration of information provided regarding the facility and its operation and in consideration of the conditions above, the North Dakota Department of Health hereby issues a permit to the Larimore Inert Waste Landfill.

This permit is effective as of \_\_\_\_\_, 2014 and shall remain in effect until \_\_\_\_\_, 2024, unless modified, superseded, or revoked under Section 33-20-02.1-06 NDAC or continued in accordance with Section 33-20-02.1-07 NDAC.

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Scott A. Radig, P.E., Director  
Division of Waste Management

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Date